

PATENT

Docket No.: D/A 1085 (1508/3300)

Application Serial No. 10/058,268

Page 9 of 14

REMARKS

Claims 1-7, 10-14, 16-19, 21-25, 27-30, and 32-33 are amended herein. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 7, 11 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office asserts that, in claims 7 and 11, it is not clear when the data transfer ceases or how exactly the data transfer can cease upon a first component. In addition, the Office asserts that claim 13 lacks antecedent basis for "the second component". Applicants respectfully submit that claims 7, 11, and 13 as amended herein are not indefinite. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

In addition, the Office has rejected claims 1-5, 7, 12-16, 18, 23-27 and 29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,535,929 to Provino et al. (Provino). Similarly, the Office has rejected claims 6, 17 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Provino, in view of U.S. Patent Pub. No. 2002/0022453 to Balog et al. (Balog).

With respect to claim 1, the Office asserts that Provino discloses a system for enabling components to transfer data between each other, the system comprising a first component having a universal data transfer interface (Figure 3, items 80 and 86, Col. 3, lines 63-67, and Col. 5, lines 23-34), and a second component invoking the universal data transfer interface to use a data transfer session object to transfer data between the first component and at least one of the components. (Col. 6, lines 19-46).

In addition, with respect to claims 12 and 23, the Office asserts that Provino discloses a method for enabling components to transfer data between each other, the method comprising invoking a universal data transfer interface to obtain a data transfer session object (Col. 4, lines 19-37), and using the data transfer session object to transfer data between a first component and at least one of the components (Col. 5, lines 24-67, and Col. 8, lines 1-23).

PATENT

Docket No.: D/A 1085 (1508/3300)

Application Serial No. 10/058,268

Page 10 of 14

However, Provino fails to teach, disclose, or suggest “a second component capable of invoking the universal data transfer interface to cause a data transfer session object to be sent to at least one of the plurality of components, wherein the data transfer session object is capable of being invoked by the at least one of the plurality of components to transfer data between the first component and the at least one of the plurality of components” as recited in claim 1, and “invoking, with a second component, a universal data transfer interface of a first component of a plurality of components to cause a data transfer session object to be sent to at least one of the plurality of components”, and “invoking the data transfer session object with the at least one of the plurality of components to transfer data between the first component and the at least one of the plurality of components” as recited in claims 12 and 23.

Instead, Provino teaches a system and method for facilitating communication between two applications within an operating system environment without either of the applications having prior knowledge of the addressing modes used by the other applications. To accomplish this, Provino teaches the use of a universal communication mechanism. (Abstract, Col. 3, lines 49-67). The universal communication mechanism is implemented as a virtual device driver. (Col. 4, lines 1-5). This virtual device driver, and, inherently, the universal communication mechanism, is installed prior to the initialization of either of the applications whose communication it will enable. (Col. 5, lines 23-35).

When the application are initialized, the virtual device driver uses an application program interface module to communicate with each of the applications to effect the application-to-application communication. (Col 5, lines 31-35). There is no teaching whatsoever in Provino that any application is capable of invoking a universal data transfer interface of another application such that the invocation of the universal data transfer interface causes a data transfer session object to be sent to the other application, wherein the data transfer session object can be invoked by the receiving application to transfer data between the applications. In fact, Provino fails to disclose anything even remotely similar to the a data transfer session object that may be transferred from one component to another as part of the initialization and setup of a communication session, as is recited in the claims.

PATENT

Docket No.: D/A 1085 (1508/3300)

Application Serial No. 10/058,268

Page 11 of 14

Moreover, while Provino teaches that “the universal communication mechanism can be deployed on one computer or multiple computers...”, there still is no teaching whatsoever that supports a conclusion that installing the communication mechanism of Provino on multiple computers would facilitate the sending of a data transfer session object from an application on one computer to an application on a second computer to allow communication between the applications, as would be possible using a system designed in accordance with the claimed invention. (Col. 3 line 63-65). To the contrary, and as would be readily appreciated by a person of ordinary skill in the art, Provino instead teaches that each individual computer in which the communication mechanism was installed would allow applications running within its own memory and hosted by its own operating system to communicate with each other within that particular operating system, not with applications running on remote computers. Similarly, Col. 4, line 18-38 of Provino merely describes the various ways that a device driver can be installed on a computer, which are clearly well known in the art (i.e. floppy disk, CD-ROM, electronic delivery via a communication link, etc.).

Moreover, Provino fails to teach a universal data transfer interface as recited in the claims. Instead, Provino merely discloses a method for facilitating communication between two applications within an operating system environment without having prior knowledge of the addressing modes of the applications by using a universal communication mechanism. (Abstract, Col. 3, lines 49-67). More specifically, Provino discloses a mechanism for implementing inter-process communication (commonly referred to as IPC) among processes running on a single host and with shared access to a single operating system kernel. The “communication” being disclosed in Provino is fundamentally different than the communication enabled by the claimed invention through the use of the universal data transfer interface and the use of data transfer session objects. In particular, Provino discloses that messages are allowed to be passed among running applications via shared virtual memory. As will be appreciated by a person of ordinary skill in the art, IPC via shared virtual memory is a commonly known technique. Thus, Applicants believe that the inventive feature of Provino lies in the communication between applications having different addressing modes (e.g. 16-bit vs. 32-bit address spaces). In this regard, Provino specifically discloses that the “device driver allows two applications of dissimilar addressing mode to

PATENT

Docket No.: D/A 1085 (1508/3300)

Application Serial No. 10/058,268

Page 12 of 14

communicate with each other without a priori knowledge of the communicating partner's addressing mode." (Abstract). Provino fails to disclose any unknown besides addressing modes, and accordingly fails to discuss any sharing of knowledge regarding communication protocols because Provino specifies the use of one and only one communication protocol, specifically, that of passing information between applications using shared memory on a single host. This is not communication via a "universal data transfer interface" as is recited in the claims.

For the reasons stated above, Provino fails to teach each and every feature of claims 1-5, 7, 12-16, 18, 23-27 and 29. Accordingly, Applicants respectfully submit that claims 1-5, 7, 12-16, 18, 23-27 and 29 are not anticipated by Provino under 35 U.S.C. § 102(e), and request that this rejection be reconsidered and withdrawn.

With respect to claims 6, 17, and 28, Applicants submit that Balog fails to remedy the above-noted deficiencies of Provino. In particular, Balog merely relates to a method of delivering content to mobile devices coupled together over a network based on information contained within a global profile having the characteristics of the devices. (Para. 0010). Thus, Balog teaches the existence of a centralized content server that has complete priori knowledge of all possible device types and their supported communication protocols, thereby facilitating communication between devices. Accordingly, Applicants respectfully submit that claims 6, 17 and 28 are not rendered obvious by Provino in view of Balog under 35 U.S.C. § 103(a), and request that this rejection be reconsidered and withdrawn.

Furthermore, the Office has rejected claims 8-10, 19-21 and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,560,656 to O'Sullivan et al. (O'Sullivan). With respect to claim 8, the Office asserts that O'Sullivan discloses a system for enabling components to transfer data between each other, the system comprising a first component having a first universal data transfer interface (Figure 4, items 401, 402, and 403), a second component having a second universal data transfer interface (Figure 2, item 206, and Figure 4, items 408, 411, 414, 409, 412, and 415); and a third component invoking the first universal data transfer interface and the second universal data transfer interface to a data-transfer session object to transfer data between the first component and the second component (Figure 4, items 404, 405, and 406, Col. 5, lines 36-65, Col. 6, lines 36-46, Col. 7,

PATENT

Docket No.: D/A 1085 (1508/3300)

Application Serial No. 10/058,268

Page 13 of 14

lines 45-67, and Col. 9, lines 1-15 and 43-49). In addition, the Office states that, while O'Sullivan does not explicitly disclose a singular third component, O'Sullivan's code server and lookup service computer are analogous to the third component.

With respect to claims 19 and 30, the Office asserts that O'Sullivan discloses a method for enabling components to transfer data between each other, the method comprising invoking a first universal data transfer interface and a second universal data transfer interface (Col. 4, lines 18-31, where O'Sullivan's RMI for each device is analogous to the interfaces), obtaining a data transfer session object from one of the invoked first universal data transfer interface or the second universal data transfer interface (Col. 8, lines 3-4); and using the data transfer session object to transfer data between a first component and a second component (Col. 8, lines 1-2).

However, O'Sullivan fails to teach, disclose, or suggest a "component invoking the first universal data transfer interface and the second universal data transfer interface to use a data transfer session object to transfer data between the first component and the second component" as recited in claim 8, "invoking a first universal data transfer interface of a first component and a second universal data transfer interface of a second component" and "using the data transfer session object to transfer data between the first component and the second component" as recited in claims 19 and 30.

Instead, O'Sullivan generally teaches a system and method for downloading code for communicating with a device that joins a network. (Abstract). Contrary to the Office's assertion on page 7 of the Office Action, the code server and lookup server of O'Sullivan are not analogous to the "third component" recited in claim 8. The lookup service and code server are simply passive repositories of information and code that must be acted upon by other entities in order to carry out any operations. To the contrary, the component recited in the claims that invokes "the first universal data transfer interface" (for example, the "third component" recited in claim 8) is an active agent which causes the association and transfer between the first and second components to take place. The component is not a passive agent that merely makes information and code available.

In particular, referring to Col. 6, lines 40-45, O'Sullivan states that the "Lookup Service 312 contains one object for each service within the Djinn, and each object contains

PATENT

Docket No.: D/A 1085 (1508/3300)

Application Serial No. 10/058,268

Page 14 of 14

various methods that facilitate access to the corresponding service." This approach is fundamentally different from the claimed invention, which recites the use of universal interfaces. O'Sullivan's disclosed approach depends rather on service-specific interfaces, which requires that all other cooperating or communicating components have prior knowledge of each peer service's specific interfaces.


Accordingly, Applicants respectfully submit that O'Sullivan would have failed to render the invention as recited in claims 8-10, 19-21 and 30-32 obvious to a person or ordinary skill in the art at the time of the invention. Therefore, Applicants respectfully request that the rejection of claims 8-10, 19-21 and 30-32 under 35 U.S.C. § 103(a) in view of O'Sullivan be reconsidered and withdrawn.

In addition, the Office has rejected claims 11, 22 and 33 under 35 U.S.C § 103(a) as being unpatentable over O'Sullivan in view of Provino. However, as is described above, neither of Provino nor O'Sullivan, alone or in combination, teach, disclose, or suggest the features of the claimed invention. Accordingly, Applicants respectfully request that the rejection of claims 11, 22, and 33 under 35 U.S.C. § 103(a) in view of O'Sullivan and Provino be reconsidered and withdrawn.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: August 24, 2005



Jeffrey L. Costellia
Reg. No. 35,483

NIXON PEABODY LLP
c/o Gunnar G. Leinberg, Reg. No. 35,584
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1014
Facsimile: (585) 263-1600